

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X	:
AMBAC ASSURANCE CORPORATION,	: Index No. 08 Civ. 9464 (RMB) (THK)
	:
Plaintiff,	: DECLARATION OF ERIC N.
	: WHITNEY IN SUPPORT OF
-against-	: DEFENDANT EMC
	: MORTGAGE CORPORATION'S
	: OBJECTIONS TO JUDGE
EMC MORTGAGE CORPORATION,	: THEODORE H. KATZ'S
	: DECEMBER 16, 2010 REPORT AND
Defendant.	: RECOMMENDATION ON AMBAC'S
	: MOTION FOR LEAVE TO FILE AN
	: <u>AMENDED COMPLAINT</u>
----- X	:

I, ERIC N. WHITNEY, hereby declare as follows:

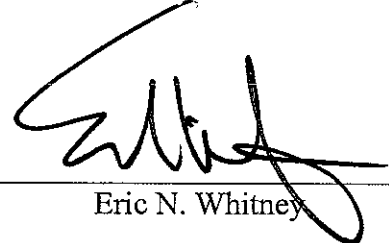
1. I am a Shareholder in the law firm Greenberg Traurig LLP, counsel to EMC Mortgage Corporation ("EMC"), the named defendant in the above-styled matter. I submit this declaration in support of Defendant EMC Mortgage Corporation's Objections to Judge Theodore H. Katz's December 16, 2010 Report and Recommendation on Ambac's Motion for Leave to File an Amended Complaint.

2. Attached hereto as Exhibit A is a true and correct copy of the transcript from the hearing before Judge Katz on January 5, 2011.

3. Attached hereto as Exhibit B is a true and correct copy of the transcript from the hearing before Judge Katz on October 4, 2010.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 14, 2011 in New York, New York.

Executed pursuant to 28 U.S.C. § 1746, this 14th day of January, 2011.



Eric N. Whitney